

VILLAGE OF YELLOW SPRINGS, OHIO

RESOLUTION 2020-31

**AUTHORIZING THE VILLAGE SOLICITOR TO FILE A PROOF OF CLAIM
IN THE PERDUE PHARMA BANKRUPTCY CASE, ON BEHALF OF
THE VILLAGE OF YELLOW SPRINGS, OHIO**

WHEREAS, according to the Ohio Department of Health, in 2007, unintentional drug poisoning became the leading cause of injury death in Ohio, surpassing motor vehicle crashes and suicide for the first time on record, leading the Ohio Department of Health to recognize a public health crisis due to increasing opiate addiction and both fatal and nonfatal overdoses;

WHEREAS, lead counsel for the plaintiffs in “In re: National Prescription Opiate Litigation” pending before federal courts advised by letter dated June 18, 2020, that local government entities may be eligible to submit claims as creditors in the bankruptcy proceedings involving one of the defendants, Perdue Pharma, in Case No. 17-md-2804, involving multidistrict litigation (MDL) against opioid manufacturers, distributors, and retailers before Judge Dan A. Polster in the District Court for the Northern District of Ohio; and

WHEREAS, the June 18, 2020, letter from plaintiffs’ counsel to “All Cities, Tribes, Counties, and Other Municipalities in the United States” advised of a deadline of July 30, 2020 to file proofs of claims individually or consolidated with other creditors; and

WHEREAS, plaintiffs’ counsel also established a calculator for eligible entities to estimate damages and abatement costs, which were developed by an economic expert at the request of an ad hoc committee of governmental and other contingent litigation claimants which can include claims for increased expenditures in law enforcement and other community services directly attributable to opiate addiction and overdoses;

WHEREAS, the Yellow Springs budget has been impacted by the public health crisis as evidenced by increased calls for service to the Yellow Springs Police Department for activity that is both directly and indirectly drug-related, which can be quantified in part by expenditures for increased regular staffing, overtime and training above the historic baseline;

WHEREAS, the Yellow Springs Police Department also utilizes a community outreach specialist to assist officers and other first responders with calls for service that often implicate opiate addiction and require coordination of other community support services; and

WHEREAS, after weighing historic information from the Greene County Combined Health District and Yellow Springs Police Department, Council concludes that the Village of Yellow Springs should file a consolidated proof of claim for expenses related to the health, welfare and safety of the Village of Yellow Springs;

NOW THEREFORE be it **RESOLVED**, by Council for the Village of Yellow Springs, Greene County, Ohio, that:

Section 1. The Village Solicitor is authorized to submit a proof of claim based on the Consolidated form and calculator developed by plaintiffs' counsel, in the total amount of \$2,138,078 which includes \$1,197,934 for Past Damages from 2003 through June 2020, and estimated Future Damages and Abatement Costs from July 2020 through 2040 in the amount of \$940,144. The claim amounts are based on the calculator for eligible entities which estimates damages in the categories of child and adolescent services; treatment, education and prevention programs; law enforcement and criminal justice, and lost tax revenue.

Signed: Brian Housh, President of Council

Passed: 7-20-2020

Attest: _____

Judy Kintner, Clerk of Council

ROLL CALL:

Brian Housh Y Marianne MacQueen Y Kevin Stokes Y
Lisa Kreeger Y Laura Curliss Y